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ANNUAL REPORT

1990

OMBUDSMAN

FOR

CORRECTIONS

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STATE OF MINNESOTA

**REPORT FOR THE PERIOD
JULY 1, 1989 - JUNE 30, 1990**

**Submitted to
The Honorable Rudy Perpich
Governor, State of Minnesota
pursuant to Section 241.45
Subd. 2 of the Minnesota Statutes**

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December, 1990

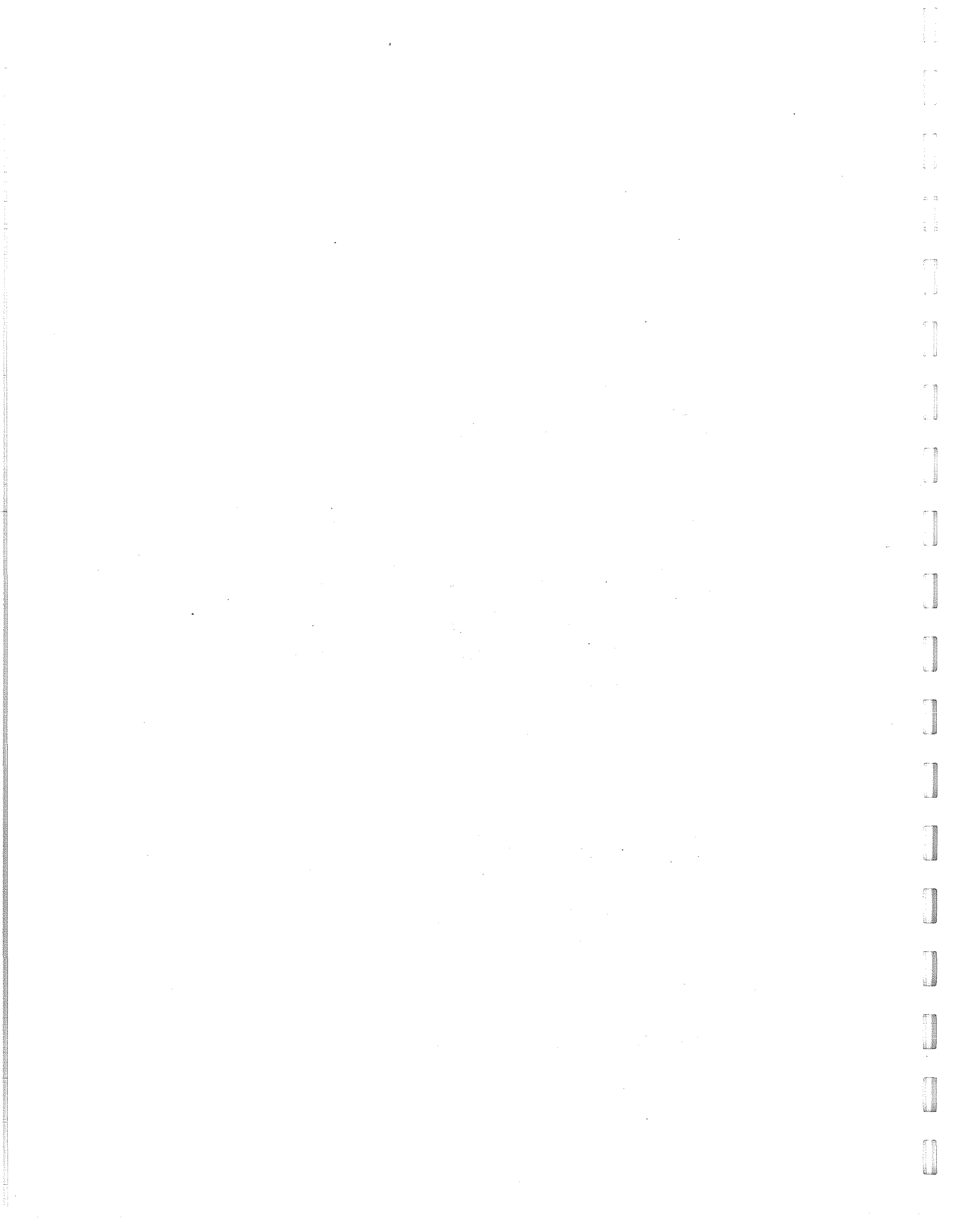


TABLE OF CONTENTS

Mission Statement..... 1

Executive Summary..... 2

Budget..... 6

What Is An Ombudsman?..... 7

Organization Chart..... 9

Case Processing Procedure.....10

Crowded Prisons.....11

Ombudsman's Jurisdiction.....13

Type and Description of Contacts.....14

Contacts Received (Exhibit I).....15

Methods of Communication (Exhibit II).....15

Caseload Summary (Exhibit III).....16

Referrals (Exhibit IV).....16

Institution Adult Population Closed Case Comparison
(Exhibit V).....17

Closed Case Distribution Comparison (Exhibit VI).....17

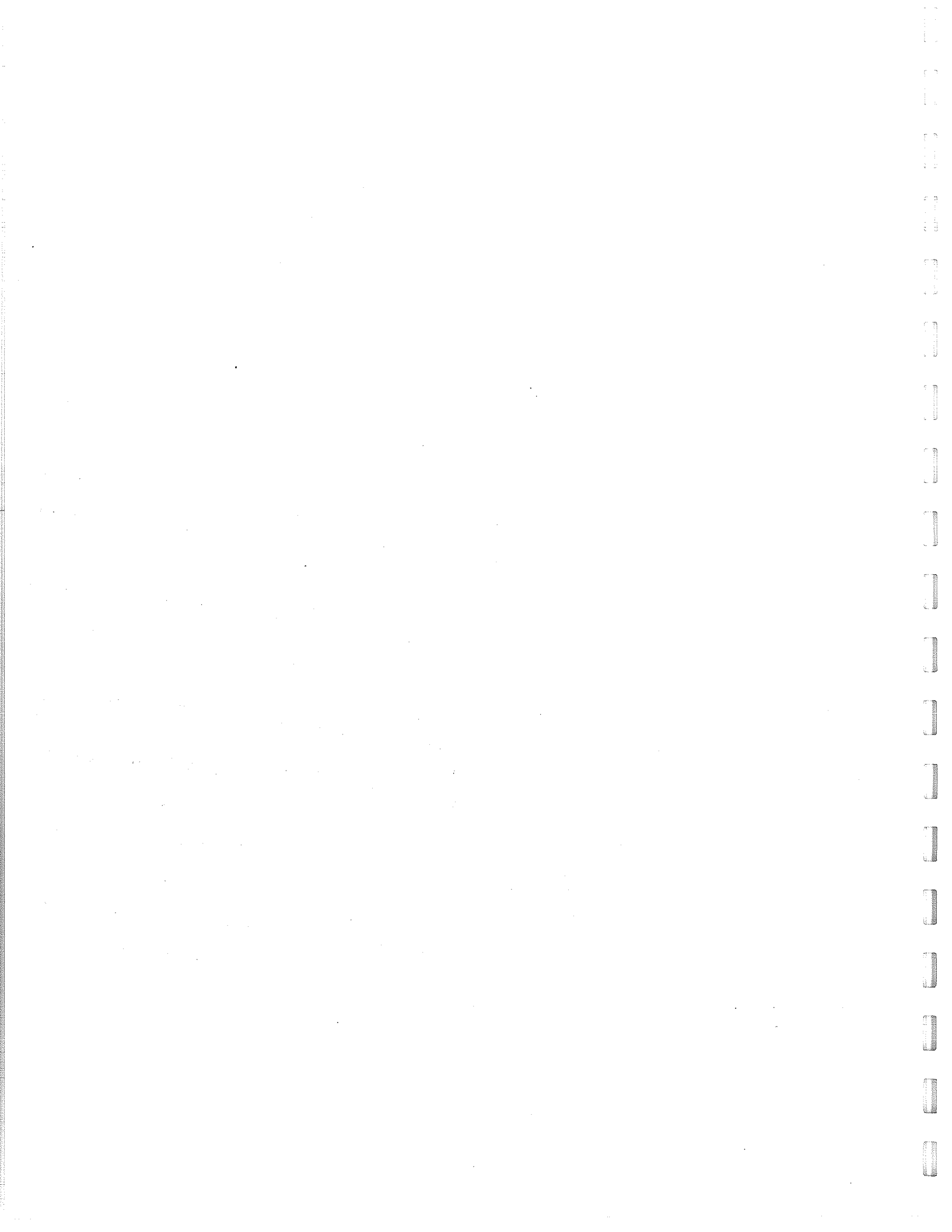
Total Cases Closed (Exhibit VII).....18

Case Resolution by Category (Exhibit VIII).....19

Time Taken to Resolve Cases (Exhibit IX).....20

Initial Interview (Exhibit X).....20

Ombudsman Statute.....21



The Ombudsman for Corrections is entering its eighteenth year of existence. Although the world of corrections in Minnesota and the characteristics of the inmate population have changed since the creation of our office, the mission of the Ombudsman has not wavered in the face of fads and developments in the system. Our office continues to be committed to insuring, to the best of our abilities and given our limited powers, that the correctional institutions across the state are places where fairness, justice, and efficiency thrive.

MISSION STATEMENT

The Ombudsman for Corrections exists to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections. It is a separate, independent state agency, created by M.S. 241.41. The Ombudsman for Corrections goal is to provide for safe, secure and humane living conditions for inmates and staff in Minnesota's correctional settings. The agency's sole purpose is to conduct investigations of complaints lodged by inmates, staff, and other interested sources. Most complaints stem from inmates who are under the control of the Department of Corrections, although the Ombudsman also has the

responsibility to investigate complaints arising within the Minnesota Community Corrections Act (Chapter 401). Other activities related to the investigation of complaints include; making recommendations to the Minnesota Department of Corrections based on findings of investigations, submitting an annual report to the Governor, and providing information to the legislature as requested. The results of the agency's activities are safer prison environments, fewer costly law suits by inmates, and a rapid response system for complaint resolution which serves to relieve penal institutions of tension and lessen the likelihood for disturbances by inmates.

EXECUTIVE SUMMARY

Over the past fiscal year the Ombudsman for Corrections was forced to do more with less. That is, the agency had the same funding level but accomplished a higher rate of complaint resolution. This was based on a higher number of complaints received. More was accomplished because there were more inmates in the corrections system than in previous years. Population growth in the nation's prisons, including Minnesota, is cause for concern among corrections administrators. The public should be concerned as well. When prison populations rise, so too, do other needs in corrections.

As stated earlier, correctional institution populations in Minnesota continue to rise. Commensurate with this growth, is the fact that in the past year the number of complaints to the Ombudsman have also risen. The rise in "total complaints received" is 27% over the past two years, with the past year being the busiest ever for the Ombudsman. We had a higher number of complaints received in 1983, when an all-time high of 3,722 total were registered. However, the past year's "total complaints resolved" was the highest ever. The complaints resolved is a measurement of productivity, while the number of complaints received is but a measurement of incoming complaint activity.

New trends in crime and felony convictions present new

challenges for administrators. Satanist cults, gang affiliation, youthful serious offenders, and those convicted of drug affiliated crimes are topics where the attention of today's corrections officials should be drawn. These are new and serious challenges for the correctional worker and require new training efforts and techniques. However, according to Mr. Jerry Anderson, Department of Corrections training section, we should stay away from trendy kinds of training efforts and rely on proven methods. The Ombudsman maintains that as new offender types come into the corrections system, so too will they continue to present challenges as to how well correctional counselors and administration can relate to them.

COMPLAINTS:

Complaints to the Ombudsman continue to come in from every quarter. Most frequently it is the inmate or resident himself, who complains. Often a family member or a relative also informs the Ombudsman of issues to look into.

There is another new, emerging trend where inmates complain directly to elected officials, i.e., Senator, Representative, or Governor. The nature of contemporary corrections, where inmates have access to telephones, makes this now more likely than in the past. Another reason for this trend might be that a number of complaints have been referred

to us after having been sent to the Governor's office. This might be the result of a visit to the state prison by the Governor in February. Inmates may have suddenly realized the Governor was indeed accessible to them.

Then there is always the inmate who will attempt to maximize his or her complaint by letting it fall on as many potentially sympathetic ears as possible. Sometimes the same complaint comes from many different sources such as family, friends, attorneys, and even members of the U.S. Congress.

In any event, the Ombudsman treats each and every complaint as though it were legitimate, until the facts of the matter denote otherwise. The Ombudsman, while maintaining a steady workload of routine case resolution, is also engaged in the broader issues.

SAFER PRISONS:

Safer prison environments are the result of the Ombudsman's vigilance and quick response to complaints. Minimizing costly lawsuits and diffusing tension in the institutions is the forte of the Ombudsman. Another expected outcome of the Ombudsman's presence is an efficient and effective administration of corrections in Minnesota.

All the above attributes are likely to contribute to what makes the corrections system in Minnesota the envy of the nation. Minnesota does not possess near the problems, nor the magnitude of problems of

other corrections systems in the nation.

PROFESSIONAL DEVELOPMENT:

The need for trained individuals in the agency is only exceeded by the uniqueness and variety of complaints received. Field Investigators must be briefed on new, contemporary issues. Some of those issues are: gangs, drugs, satanic affiliation, AIDS related complaints, a rise in the number of inmates who are sex offenders, and newly developed policies and procedures (or the lack of) for dealing with these issues. In keeping with the need for trained professionals, the agency required each member of the staff to obtain at least 80 hours of training per year. In the past year, due to the pressing needs of case resolution, we have reduced that requirement.

OTHER OMBUDSMAN FEATURES:

On the surface, it appears that the Ombudsman for Corrections has limitless powers. Included in that perception, is the belief that the Ombudsman has wide latitude in enforcing changes in an administrative agency or at a correctional institution. While the Ombudsman does have the power to make recommendations, the agency does not have the power to enforce recommendations. Even if the Ombudsman had enforcement power, there would always be a question of whether the Ombudsman's opinion would be taken seriously. It would be easy to sabotage the Ombudsman's recommendations to

the point where they would be useless. Thankfully, the framers of the original Ombudsman statute took this into account and limited the powers of the Ombudsman to that of making recommendations.

A UNIQUE AGENCY:

The Minnesota Ombudsman for Corrections is unique in that it is the only office of its kind in the nation. Functionally, it is a state agency reporting directly to the Governor. The Governor appoints the Ombudsman. In other words, while other states have Ombudsmen whose discipline area is corrections, they usually come under a larger multi-purpose Ombudsman structure. For example, Iowa, Nebraska, Hawaii, and Alaska have state Ombudsmen. However, the person assigned, in those states, to investigate correctional complaints, is also assigned other areas of investigation. Moreover, other states, in the past, have utilized the Ombudsman for Corrections concept, however they were structured so that the Ombudsman reported to the warden or to the commissioner of Corrections.

CONTACTS RECEIVED:

The total number of contacts received by the Ombudsman's office increased by 13% over the previous year, the year before that there was a 14% increase. In essence, the past two years show a dramatic 27% increase in contacts received. As in the previous year, the months of April, May, and June ranked second only to January

and March with respect to which months saw the most activity. Interestingly, January was ranked as the lowest month the previous year. In summary, the first five months of 1990 were the most active of all the months. It seems the most active months in terms of contacts received were the winter months.

CASE DISTRIBUTION:

There are 14 categories under which complaints received might fall (exhibit VII). Cases involving rules was the most often mentioned (609 or 18% of total), up from 10% the previous year. The next most frequent mentioned category was "legal" (403 or 12%), up from 9.9% the previous year. The least often issue complained about was hygiene (24 or less than 1%).

METHODS OF COMMUNICATION:

Once again the most often used method of complaining to the Ombudsman is the telephone. There are seven methods by which an individual can contact the Ombudsman; written direct, written indirect, personal direct, personal indirect, telephone direct, telephone indirect, and Ombudsman initiated.

Fifty six percent of all complaints received were by telephone direct, which closely resembles last year's 57%. The next most popular were written direct and personal direct, tied at 14%, virtually the same as the previous year (15%). In summary, the three most often used methods of complaining to

the Ombudsman are telephone direct, written direct, and personal direct (see exhibit II).

INSTITUTION COMPARISONS:

There are eleven state correctional institutions where the Ombudsman is active. These institutions account for 73% of total complaints (2,409). The following percentages are drawn from that base. The state prison at Stillwater had the most complaints with 43% (down from 49% the previous year and 47% the year before that). It should be noted, this institution had the most inmates, 41% of the total population. The reformatory at St. Cloud had 15% of the total complaints, but 22% of the population.

SAME-DAY INTERVIEWS:

Of all interviews conducted, 90% of them occurred on the same day the complaint was received. This compares with an 82% rate the previous year. The Ombudsman regards this speedy response as a sign of efficiency for the agency.

TIME TAKEN TO RESOLVE CASES:

The agency continues to resolve cases within 15 days at an ever increasing, impressive rate. The percentages of cases

resolved within this time span has increased from 69.3% in 1987, 74.9% in 1988, 87.5% in 1989 to 91.1% this year. Rapid case resolution is a priority to the Ombudsman and is seen as a mark of efficiency.

SUMMARY:

Has rapid case resolution been driven by the fact that there are simply more cases to be resolved? In other words, there are just so many hours in a day and on a constant workload, and if the load is increased, wouldn't this in itself make a condition where one is forced to resolve more cases, and to resolve them sooner? This is probably true, but it should be noted that the agency has not created a backlog. In years past the Ombudsman had made more written recommendations, which reflects the fact that more time was available for policy and issue analysis. We still must perform this activity, but not at the cost of responding to complaints and resolving conflict.

In the near future it is quite conceivable that we might be forced to prioritize our complaints, to the extent where those complaints coming from a state penal institution receive a higher priority than others.

BUDGET - FISCAL YEAR 1990

	<u>ORIGINAL</u>	<u>ACTUAL EXPENDITURES</u>
Personnel Services	\$325,743	\$325,548
Rents & Leases	16,456	16,456
Repairs & Maintenance	780	779
Printing & Binding	860	860
Professional/Technical	107	104
Data Processing	3,563	3,558
Communication	3,885	3,858
Travel	13,231	13,229
Fees	571	550
Equipment, Material, and Supplies	<u>19,547</u>	<u>19,567</u>
TOTAL	\$384,743	\$384,509
Closing Budget Adjustment (Cancellations)	234	

WHAT IS AN OMBUDSMAN?

The concept for an Ombudsman grew out of a clamoring by the Swedish public for accountability and sensitivity from its government nearly 200 years ago. As a result the Swedish king appointed the first official ever to be called an Ombudsman which, directly translated, means "protector or defender of citizen rights".

Today many governments at different levels and in all parts of the world have an Ombudsman. In Minnesota alone, there are several Ombudsmen who serve a variety of clients such as crime victims, the mentally ill, and those who need long-term health care. Perhaps the best modern definition of an Ombudsman was provided by the American Bar Association: "The Ombudsman is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, investigates, and, if the complaints are justified, makes recommendations to remedy the complaints."

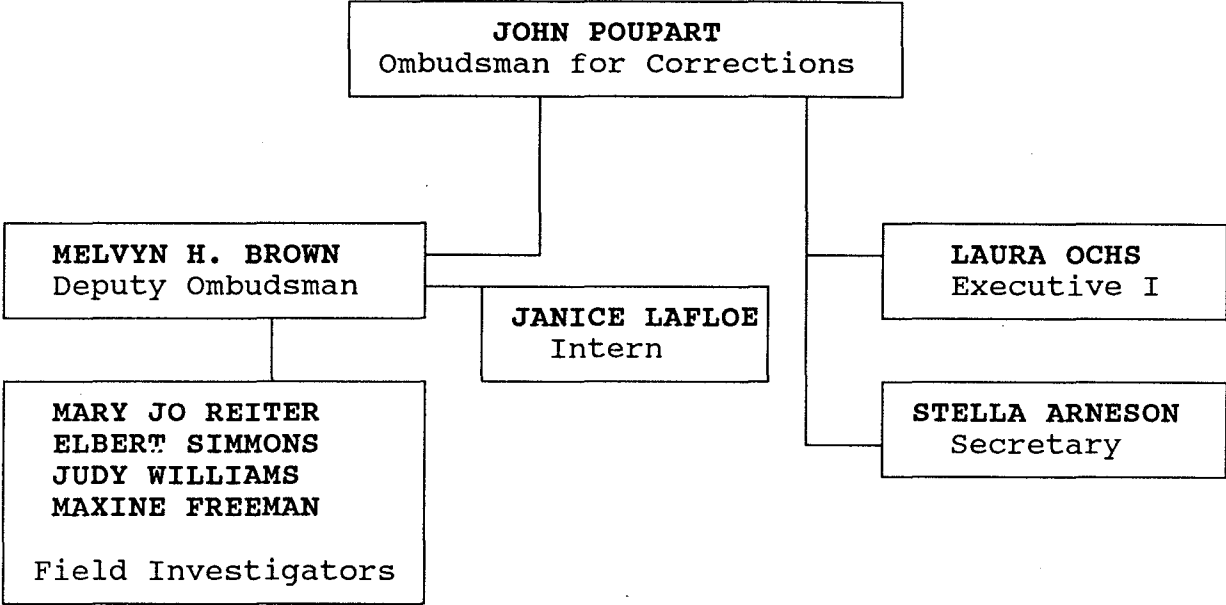
The following list of standards define the "classical Ombudsman", a model which the Ombudsman for Corrections emulates:

1. A government official created by constitution, charter legislation or ordinance;
2. An official whose independence is guaranteed through:
 - a) a defined term of office and/or,
 - b) appointment by other than the executive and/or,
 - c) custom;
3. An official of high stature;
4. An official with the responsibility to receive and investigate complaints against governmental agencies;
5. Freedom of the official to investigate on his or her own motion;
6. An official who may exercise full powers of investigation to include access to all necessary information both testimonial and documentary;
7. The ability of the official to criticize governmental agencies and officials and to recommend corrective action;
8. An official with the power to issue public reports concerning his or her findings and recommendations;

9. An official who is restricted from activities constituting a personal, professional, occupational, or political conflict of interest; and,

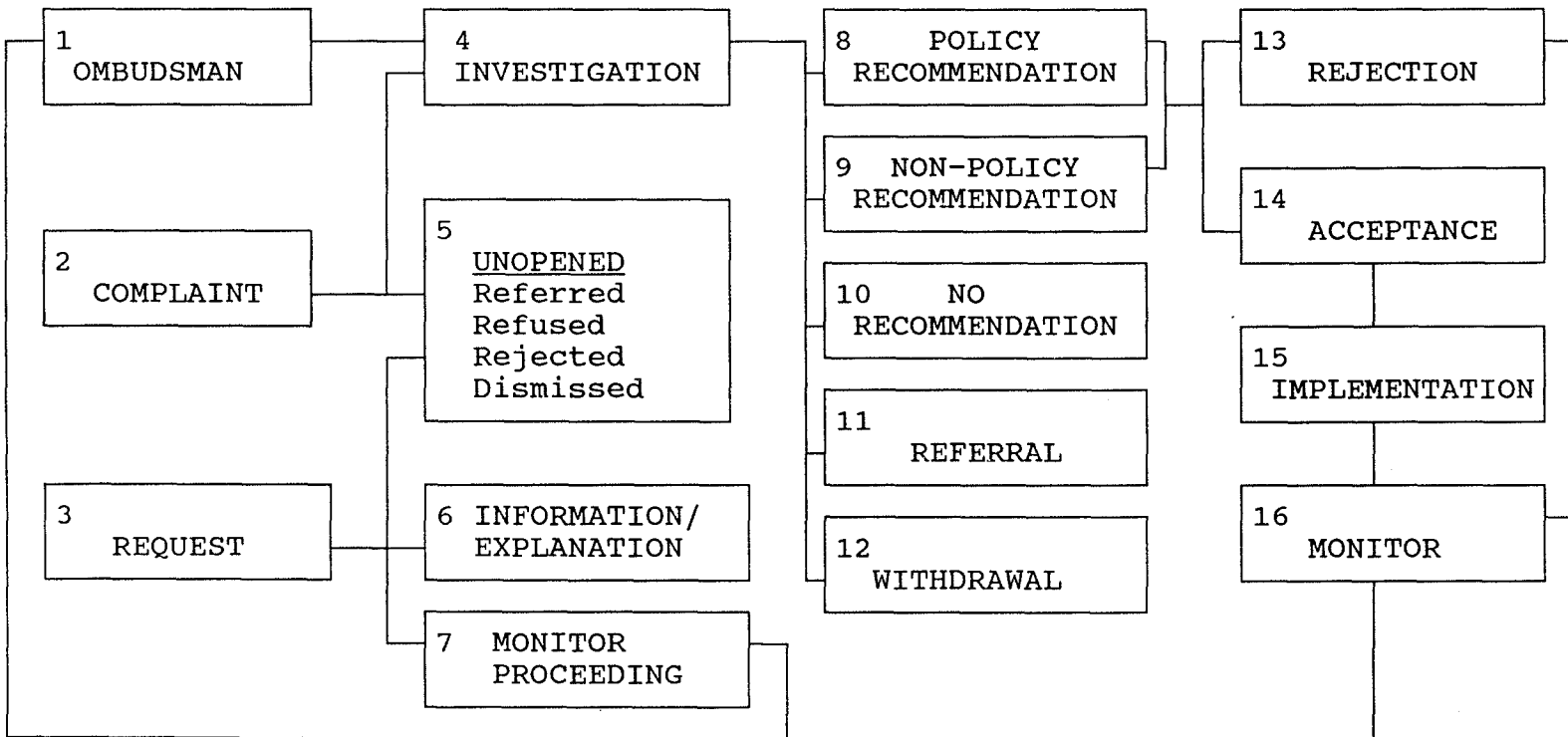
10. An official with freedom to employ and remove assistants and to delegate administrative and investigative responsibilities to them.

ORGANIZATION CHART



CASE PROCESSING PROCEDURE

***** * INITIATION * *****	***** * DISPOSITION * *****	***** * CONCLUSION * *****	***** * RESOLUTION * *****
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CROWDED PRISONS

The previous year's annual report contained an article that focused on the issue of crowded prisons. In view of the current state of affairs surrounding prison populations in Minnesota, we decided to again include that article in this report.

In the 1988 edition of Vital Statistics in Corrections, it was reported that the national rate of incarceration was 235.47 inmates per 100,000 Americans and that this figure was projected to increase to 300.78 in 1993. In 1980, the rate was only 141.54. All the numbers point to a burgeoning prison population that will continue to grow in the foreseeable future.

The public is asking for more accountability from policy makers and legislators by seeking increased penalties for certain crimes. Longer sentences and more criminal offenses result in an increase in prison populations. This increase in population adds stress within the framework of corrections and requires vigilance if unfortunate events are to be avoided.

The following are some of the possible consequences of overcrowding in the corrections system:
"Increases in population in prisons where facilities are not increased proportionately are associated with increased

rates of death, suicide, disciplinary infraction, and psychiatric commitment. Decreases in population are accompanied by decreases in death rate, psychiatric commitments, inmate on inmate assaults, and attempted suicides and self mutilations.

Institutions with large populations yielded elevated rates of death, suicide, and psychiatric commitment compared to smaller institutions.

Double cells or double cubicles yielded negative effects on housing ratings, disciplinary infraction rates, and illness-complaint rates relative to singles." (Verne C. Cox, Paul B. Paulus and Garvin McCain; American Psychological Society, Vol. 39, No. 10, 1984).

"There are two basic conclusions warranted by the prison crowding research: dormitories are associated with more illness-complaint rates; and prisons that have higher density ratios are also more likely to have higher assault or misconduct rates." (Gerald G. Gates, University of Chicago, 1985).

It should be noted that prison crowding research is a rather new endeavor, so conclusions should not be accepted as truth carved into stone. Still, common sense tells us that putting two or more convicted criminals in one cell

or packing multi-bed dormitories with inmates creates an atmosphere that is more conducive to negative behavior than providing a single cell for each inmate.

Minnesota's corrections system is not as crowded as those of most other states, but the pressures on staff and facilities are growing with the introduction of more and more inmates into the system. The new correctional facility at Faribault is a sign of what may lie ahead: the expansion and creation of medium and minimum security facilities and perhaps

community-based facilities to accommodate the swelling numbers of inmates. The Ombudsman hopes to continue to serve as a resource to inmates who have a complaint and as an alternative for mediating and resolving disputes in the prison long before they reach the courts, thereby alleviating some of the problems that are fostered by overcrowding.

Since this article appeared, a new facility has been added at Moose Lake. At the time of this printing, 75 inmates have been transferred there.

OMBUDSMAN'S JURISDICTION

DEPARTMENT OF CORRECTIONS FACILITIES

MCF-STW - Minnesota State Prison, Stillwater
MCF-SHK - Minnesota Corrections Institution for Women, Shakopee
MCF-SCL - State Reformatory for Men, St. Cloud
MCF-LL - Minnesota Correctional Facility, Lino Lakes
MCF-RW - State Training School, Red Wing
MCF-SCR - Minnesota Home School, Sauk Centre
RGL - Northeast Regional Corrections Center, Saginaw
RGL - Northwest Regional Corrections Center, Crookston
MCF-OPH - Minnesota State Prison, Oak Park Heights
MCF-FRB - Minnesota Correction Facility, Faribault
MCF-ML-WRC - Minnesota Correction Facility, Moose Lake-Willow River

COMMUNITY CORRECTIONS ACT COUNTIES

1. Aitken	16. Morrison
2. Anoka	17. Nobles
3. Blue Earth	18. Norman
4. Carlton	19. Olmstead
5. Chippewa	20. Polk
6. Cook	21. Ramsey
7. Crow Wing	22. Red Lake
8. Dakota	23. Rice
9. Dodge	24. Rock
10. Fillmore	25. St. Louis
11. Hennepin	26. Swift
12. Kandiyohi	27. Todd
13. Koochiching	28. Wadena
14. Lac Qui Parle	29. Washington
15. Lake	30. Yellow Medicine

TYPE AND DESCRIPTION OF CONTACTS

The Ombudsman systematically categorizes each contact received to help further define the source(s) of changes in both the number and nature of cases. To facilitate year-to-year comparisons of the cases handled by the Ombudsman, each case is assigned to one of the following categories:

Parole - Concerning any matter under the jurisdiction of the releasing authority, e.g., work release, supervised release, special review, etc.

Medical - Concerning availability of treatment or accessibility of a staff physician or other medical professional.

Legal - Involving legal assistance or problems with getting a response from the Public Defender or other legal counsel.

Placement - Concerning the facility, area or physical unit to which an inmate is assigned.

Property - Dealing with loss, destruction or theft of personal property.

Program - Relating to training, treatment program or work assignment.

Discrimination - Concerning unequal treatment based upon race, color, creed, religion, national origin or sex.

Records - Concerning data on inmate or staff files.

Rules - Regarding administrative policies establishing regulations which an inmate, staff member or other person affected by the operation of a facility or program is expected to follow, e.g., visits, disciplinary hearings, dress, etc.

Threats/Abuse - Concerning threats of bodily harm, actual physical abuse or harassment to an inmate or staff.

Mail - Anything that may impact upon the normal, legal flow of mail in or out of an institution or how it is handled by institution staff.

Hygiene - Having to do with access to supplies and necessities for personal hygiene or the hygiene of physical surroundings.

Services (Institution) - Regarding heat, water, window screens, blankets, etc.

Other - Contacts not covered in the previous categories, e.g., food, etc.

CONTACTS RECEIVED

EXHIBIT I

<u>MONTH</u>	<u>TOTAL OPENED</u>	<u>TOTAL UNOPENED</u>	<u>TOTAL CONTACTS</u>
July	252	0	252
August	257	1	258
September	249	0	249
October	236	0	236
November	256	0	256
December	231	0	231
January	319	0	319
February	273	3	276
March	327	4	331
April	303	0	303
May	300	2	302
June	<u>303</u>	<u>2</u>	<u>305</u>
TOTAL	3,306	12	3,318

METHODS OF COMMUNICATION

EXHIBIT II

<u>TYPE</u>	<u>CLOSED</u>	<u>UNOPENED</u>	<u>TOTAL</u>
Written Direct	442	4	446
Written Indirect	73	0	73
Personal Direct	452	0	452
Personal Indirect	57	0	57
Telephone Direct	1,845	5	1,850
Telephone Indirect	357	3	360
Ombudsman Initiated	<u>93</u>	<u>0</u>	<u>93</u>
TOTAL	3,319	12	3,331

CASELOAD SUMMARY

EXHIBIT III

Carried Over from Fiscal Year 1989	42
Fiscal Year 1990 Contacts Received	<u>3,318</u>
Fiscal Year 1990 Caseload	3,360

Fiscal Year 1990 Caseload Disposition:	Cases Closed	3,319
	Unopened Cases	<u>12</u>
	TOTAL	3,331

Cases Carries Over to Fiscal Year 1990	29
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REFERRALS*

EXHIBIT IV

Legal Aid to Prisoners.....	8
Legal Assistance to Minnesota Prisoners.....	14
Department of Corrections.....	13
State Public Defender.....	9
Private Attorney.....	18
Institution Staff.....	8
Human Rights	7
Other.....	<u>37</u>
TOTAL	114

*Unopened cases are not included, and "other" category contains organizations to which fewer than four referrals were made during F.Y. 1990

**INSTITUTION ADULT POPULATION
CLOSED CASE COMPARISON**

EXHIBIT V

<u>INSTITUTIONS</u>	<u>AVERAGE MONTHLY POPULATION*</u>	<u>PERCENTAGE OF ADULT AVERAGE MONTHLY POPULATION</u>	<u>NUMBER OF CASES CLOSED</u>	<u>PERCENTAGE OF CASES CLOSED</u>
Stillwater	1,349	40.6%	1,044	43.3%
St. Cloud	737	22.2%	362	15.0%
Oak Park Heights	377	11.4%	325	13.5%
Lino Lakes	299	9.0%	283	11.7%
Shakopee	161	4.8%	251	10.4%
Faribault	46	1.4%	25	1.0%
Willow River	65	2.0%	10	.4%
Moose Lake	46	1.3%	34	1.4%
Sauk Centre	83	2.5%	47	2.0%
Red Wing	<u>158</u>	<u>4.8%</u>	<u>28</u>	<u>1.2%</u>
TOTALS	3,320	100.0%	2,409	100.0%

*Does not include federal inmates.

CLOSED CASE DISTRIBUTION COMPARISON

EXHIBIT VI

<u>CATEGORY</u>	<u>F.Y. 1989</u>		<u>F.Y. 1990</u>	
	<u>NUMBER</u>	<u>PERCENT</u>	<u>NUMBER</u>	<u>PERCENT</u>
Parole	237	8.3%	265	8.0%
Medical	268	9.4%	356	10.7%
Legal	283	9.9%	404	12.2%
Placement	292	10.3%	379	11.4%
Property	187	6.6%	163	4.9%
Program	212	7.4%	256	7.7%
Discrimination	69	2.4%	78	2.4%
Records	133	4.7%	158	4.8%
Rules	552	19.4%	609	18.3%
Threats/Abuse	181	6.4%	246	7.4%
Mail	48	1.7%	48	1.4%
Hygiene	23	.8%	25	.8%
Services	39	1.4%	53	1.6%
Other	<u>321</u>	<u>11.3%</u>	<u>279</u>	<u>8.4%</u>
TOTAL	2,845	100.0%	3,319	100.0%

TOTAL CASES CLOSED

EXHIBIT VII

<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>ML</u>	<u>RGL</u>	<u>FS</u>	<u>OTH</u>	<u>FRB</u>	<u>TOTAL</u>
Parole	119	5	7	33	0	58	8	5	1	5	0	8	15	2	266
Medical	118	32	23	97	6	9	47	0	0	6	1	2	8	8	357
Legal	104	31	37	143	1	24	7	8	2	3	1	11	30	1	403
Placement	183	35	41	36	1	37	20	11	4	2	1	1	7	2	381
Property	66	22	21	26	2	8	9	1	1	0	0	0	5	0	161
Program	118	15	29	18	1	32	21	0	1	1	2	4	11	3	256
Discrimination	18	13	16	14	1	1	8	0	0	2	2	1	3	0	79
Records	50	21	24	16	3	26	7	2	0	1	0	2	5	0	157
Rules	178	65	65	126	2	50	77	14	1	4	5	4	13	5	609
Threats/Abuse	26	41	47	62	7	22	21	3	0	3	0	5	8	1	246
Mail	11	7	7	17	2	3	0	0	0	1	0	0	0	0	48
Hygiene	3	2	2	12	0	0	2	0	0	0	0	0	3	0	24
Services	13	0	5	18	0	1	8	0	0	0	1	1	4	2	53
Other	<u>37</u>	<u>36</u>	<u>38</u>	<u>46</u>	<u>2</u>	<u>12</u>	<u>16</u>	<u>3</u>	<u>0</u>	<u>6</u>	<u>0</u>	<u>2</u>	<u>80</u>	<u>1</u>	<u>279</u>
TOTAL	1044	325	362	664	28	283	251	47	10	34	13	41	192	25	3319

 Minnesota Correctional Facility (MCF): MCF-STW - Stillwater; MCF-OPH - Oak Park Heights; MCF-SCL - St. Cloud; CTY - County facilities (including Hennepin and Ramsey Counties adult and juvenile corrections facilities); MCF-RW - Red Wing (juvenile); MCF-LL - Lino Lakes; MCF-SHK - Shakopee (women); MCF-SCR - Sauk Centre (juvenile); MCF-WRC - Willow River; RGL - Regional facilities; FS - Field Service (including parole and probation); MCF-ML - Moose Lake; MCF-FRB -Faribault.

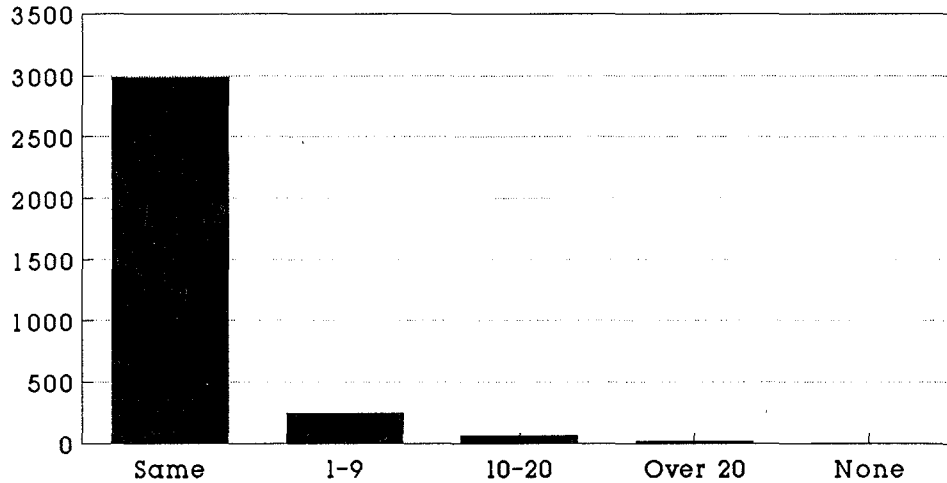
CASE RESOLUTION BY CATEGORY
(Cases Closed Only)

EXHIBIT VIII

<u>CATEGORY</u>	<u>FULL</u>	<u>PARTIAL</u>	<u>NONE</u>	<u>TOTAL</u>	<u>WITH- DRAWN</u>	<u>REFERRED</u>	<u>TOTAL</u>
Parole	232	4	0	236	1	2	3
Medical	264	8	0	272	2	2	4
Legal	277	6	1	284	1	14	15
Placement	287	6	0	293	0	0	0
Property	182	6	0	188	1	1	2
Program	199	14	0	213	2	1	3
Discrimination	64	3	0	67	1	2	3
Records	130	4	0	134	2	0	2
Rules	530	24	1	555	2	2	4
Threats/Abuse	168	13	0	181	3	2	5
Mail	48	1	0	49	0	0	0
Hygiene	21	2	0	23	0	0	0
Services	37	0	0	37	0	0	0
Other	<u>303</u>	<u>8</u>	<u>2</u>	<u>313</u>	<u>3</u>	<u>4</u>	<u>7</u>
TOTAL	2742	99	4	2845	18	30	48
PERCENTAGE	96.4%	3.4%	.2%	100%	37.5%	62.5%	100%

INITIAL INTERVIEW

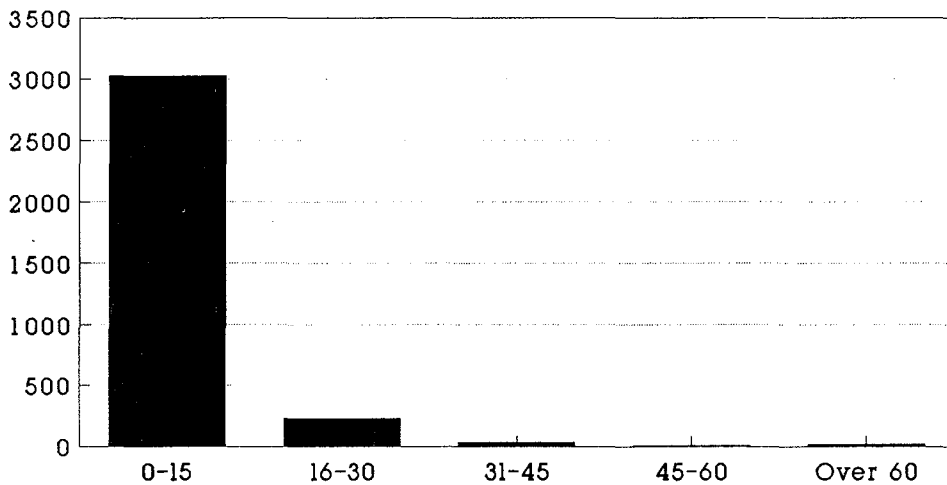
Exhibit IX



Time lag between the date a complaint was received and the date the complainant was interviewed in depth by a member of the Ombudsman staff.

TIME TAKEN TO RESOLVE CASE

Exhibit X



MINNESOTA OMBUDSMAN FOR CORRECTIONS STATUTE

241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION. The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matter of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

241.42 DEFINITIONS. Subdivision 1. For the purpose of sections 242.42 to 242.45, the following terms shall have the meanings here given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the Minnesota corrections authority, the board of pardons and regional correction or detention facilities or agencies for correction or detention programs including those programs or facilities operating under chapter 401, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or his personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Subd. 3. "Commission" means the ombudsman commission.

241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN. Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants, and employees as he may deem necessary to discharge his responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service. The ombudsman and his full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate one of his assistants to be the deputy ombudsman.

Subd. 3. The ombudsman may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

241.44 POWERS OF OMBUDSMAN; INVESTIGATION;

ACTION ON COMPLAINTS; RECOMMENDATIONS.

Subdivision 1. Powers. The ombudsman shall have the following powers:

- (a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;
- (b) He may determine the scope and manner of investigations to be made;
- (c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. Neither the ombudsman nor any member of his staff shall be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provisions of sections 241.41 to 241.45;
- (d) He may investigate, upon a complaint or upon his own initiative, any action of an administrative agency;
- (e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;
- (f) He may examine the records and documents of an administrative agency;
- (g) He may enter and inspect, at any time, premises within the control of an administrative agency;
- (h) He may subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the law of this state;
- (i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of section 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in section 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

- (j) He may be present at Minnesota correction authority parole and parole revocation hearings and deliberations.

Subd. 1a. No proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to 15.168 shall be commenced against the ombudsman for action taken pursuant to the provisions of sections 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 2. Matters appropriate for investigation.

- (a) In selecting matters for his attention, the ombudsman should address himself particularly to actions of an administrative agency which might be:

- (1) contrary to law or regulation;
- (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;
- (3) mistaken in law or arbitrary in the ascertainment of facts;
- (4) unclear or inadequately explained when reasons should have been revealed;
- (5) inefficiently performed;

- (b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 3. Complaints. The ombudsman may receive a complaint from any source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. A reply from the ombudsman to the person shall be delivered unopened to the person, promptly after its receipt by the institution.

No complainant shall be punished nor shall the general condition or treatment be unfavorably altered as a result of his having made a complaint to the ombudsman.

Subd. 4. Recommendations.

- (a) If, after duly considering a complainant and whatever material he deems pertinent, the ombudsman is of the opinion that the complaint is valid, he may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a regulation or ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman states as his recommendation to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time he specifies, inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

- (b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, he may refer the matter to the appropriate authorities.

- (c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature his view concerning desirable statutory change.

241.441 ACCESS BY OMBUDSMAN TO DATA.

Notwithstanding section 13.42 or 13.85, the ombudsman has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the ombudsman to perform the powers under section 241.44.

241.45 PUBLICATION OF RECOMMENDATION; REPORTS. Subdivision 1.

The ombudsman may publish his conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to him by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall at the end of each year report to the governor concerning the exercise of his functions during the preceding year.